

House File 371 - Introduced

HOUSE FILE _____
BY R. OLSON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning mandatory retirement for senior judges.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2339HH 82
4 ec/je/5

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1 1 Section 1. Section 602.9204, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. A judge who retires on or after July 1, 1994, and who
1 4 is appointed a senior judge under section 602.9203 shall be
1 5 paid a salary as determined by the general assembly. A senior
1 6 judge or retired senior judge shall be paid an annuity under
1 7 the judicial retirement system in the manner provided in
1 8 section 602.9109, but computed under this section in lieu of
1 9 section 602.9107, as follows: The annuity paid to a senior
1 10 judge or retired senior judge shall be an amount equal to the
1 11 applicable percentage multiplier of the basic senior judge
1 12 salary, multiplied by the judge's years of service prior to
1 13 retirement as a judge of one or more of the courts included
1 14 under this article, for which contributions were made to the
1 15 system, except the annuity of the senior judge or retired
1 16 senior judge shall not exceed an amount equal to the
1 17 applicable specified percentage of the basic senior judge
1 18 salary used in calculating the annuity. However, following
1 19 the twelve-month period during which the senior judge or
1 20 retired senior judge attains ~~seventy-eight~~ eighty years of
1 21 age, the annuity paid to the person shall be an amount equal
1 22 to the applicable percentage multiplier of the basic senior
1 23 judge salary cap, multiplied by the judge's years of service
1 24 prior to retirement as a judge of one or more of the courts
1 25 included under this article, for which contributions were made
1 26 to the system, except that the annuity shall not exceed an
1 27 amount equal to the applicable specified percentage of the
1 28 basic senior judge salary cap. A senior judge or retired
1 29 senior judge shall not receive benefits calculated using a
1 30 basic senior judge salary established after the twelve-month
1 31 period in which the senior judge or retired senior judge
1 32 attains ~~seventy-eight~~ eighty years of age. The state shall
1 33 provide, regardless of age, to an active senior judge or a
1 34 senior judge with six years of service as a senior judge and
1 35 to the judge's spouse, and pay for medical insurance until the
2 1 judge attains the age of ~~seventy-eight~~ eighty years.
2 2 Sec. 2. Section 602.9204, subsection 2, paragraphs d and
2 3 e, Code 2007, are amended to read as follows:
2 4 d. "Basic senior judge salary cap" means the basic senior
2 5 judge salary, at the end of the twelve-month period during
2 6 which the senior judge or retired senior judge attained
2 7 ~~seventy-eight~~ eighty years of age, of the office in which the
2 8 person last served as a judge before retirement as a judge or
2 9 senior judge.
2 10 e. "Escalator" means the difference between the current
2 11 basic salary, as of the time each payment is made up to and
2 12 including the twelve-month period during which the senior
2 13 judge or retired senior judge attains ~~seventy-eight~~ eighty
2 14 years of age, of the office in which the senior judge last
2 15 served as a judge before retirement as a judge or senior
2 16 judge, and the basic annual salary which the judge is
2 17 receiving at the time the judge becomes separated from
2 18 full-time service as a judge of one or more of the courts
2 19 included in this article, as would be used in computing an
2 20 annuity pursuant to section 602.9107 without service as a
2 21 senior judge.

2 22 Sec. 3. Section 602.9207, subsection 1, Code 2007, is
2 23 amended to read as follows:
2 24 1. A senior judge shall cease to be a senior judge upon
2 25 completion of the twelve-month period during which the judge
2 26 attains ~~seventy-eight~~ eighty years of age. The clerk of the
2 27 supreme court shall make a notation of the retirement of a
2 28 senior judge in the roster of senior judges, at which time the
2 29 senior judge shall become a retired senior judge.

2 30 Sec. 4. Section 602.9208, subsection 1, Code 2007, is
2 31 amended to read as follows:
2 32 1. A senior judge, at any time prior to the end of the
2 33 twelve-month period during which the judge attains
2 34 ~~seventy-eight~~ eighty years of age, may submit to the clerk of
2 35 the supreme court a written request that the judge's name be
3 1 stricken from the roster of senior judges. Upon the receipt
3 2 of the request the clerk shall strike the name of the person
3 3 from the roster of senior judges, at which time the person
3 4 shall cease to be a senior judge. A person who relinquishes a
3 5 senior judgeship as provided in this subsection may be
3 6 assigned to temporary judicial duties as provided in section
3 7 602.1612.

3 8 EXPLANATION

3 9 This bill increases the mandatory retirement age for senior
3 10 judges from 78 to 80 years of age. Current benefit provisions
3 11 made applicable to senior judges are made subject to the
3 12 increased retirement age.
3 13 LSB 2339HH 82
3 14 ec:nh/je/5